

EXHIBIT G

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 ELIEZER LOPEZ and SUHAIL LAUREANO,

5 PLAINTIFFS,

6 -against-

7 Case No.:
8 17-CV-00181

9 THE CITY OF NEW YORK, LUIS LINARES, LUIS ANGELES, and JOHN
10 DOES #1-3,

11 DEFENDANTS.
12 -----X

13 DATE: February 6, 2018

14 TIME: 10:12 A.M.

15 VIDEOTAPED DEPOSITION of a Plaintiff,

16 ELIEZER LOPEZ, taken by the Defendants, pursuant to a Court
17 Order and to the Federal Rules of Civil Procedure, held at
18 Plaintiff's residence, 1160 Burke Avenue, Apartment 6F,
19 Bronx, New York 10469, before Geraldine Naber, a Notary
20 Public of the State of New York.
21
22
23
24
25

1 A P P E A R A N C E S:

2

3 ROMANO & KUAN, PLLC
Attorneys for the Plaintiffs
4 ELIEZER LOPEZ and SUHAIL LAUREANO
600 Fifth Avenue, 10th Floor
5 New York, New York 10020
BY: JULIA P. KUAN, ESQ.

6

7

8

9 ZACHARY W. CARTER, ESQ.
CORPORATION COUNSEL
NEW YORK CITY LAW DEPARTMENT
10 Attorneys for the Defendants
THE CITY OF NEW YORK, LUIS LINARES, LUIS ANGELES,
11 and JOHN DOES 1-3
100 Church Street
12 New York, New York 10007
BY: CAROLYN K. DEPOIAN, ESQ., Senior Counsel and
13 RACHEL SELIGMAN WEISS, ESQ., Senior Counsel
File #: 2016-004750
14 Control #: 168724

15

16

17 ALSO PRESENT:

18

SUHAIL LAUREANO

19

MICHAEL BENNETT, Hudson Court
Reporting, Videographer

20

21 ARMENIO CORTES,
Accurate Communication, Interpreter

22

23

* * *

24

25

E. LOPEZ

1 A. No.

2 Q. Do you know what happened to them?

3 A. No.

4 Q. Have you ever seen them since that day?

5 A. No.

6 Q. What was the weather like on December 7th, 2015?

7 A. A regular day. Cold, but not that cold.

8 Q. Was it snowing?

9 A. I don't remember.

10 Q. Was it raining?

11 A. I think that it wasn't.

12 Q. Was the sun out?

13 A. I don't remember. I think so.

14 Q. On December 7th, 2015, how long had you been out
15 of prison?

16 A. I got out in October 10th, 2014.

17 Q. On December 7th, 2015, were you on parole?

18 A. Yes.

19 Q. And how long had you been on parole for?

20 A. How long I got to be on parole? I was on parole
21 for five years and since around October 11th -- since
22 October 11th I had five years in parole.

23 Q. So you were on parole since you were released in
24 October of 2014?

25 A. Yes.

E. LOPEZ

1 were on parole?

2 A. Go to jail, would go to jail.

3 Q. So would it be a violation of your parole to get
4 arrested?

5 MS. KUAN: Objection.

6 A. Yes.

7 Q. If you violated your parole, do you know how long
8 you would have to go back to jail for?

9 MS. KUAN: Objection.

10 A. The first time a year.

11 Q. Just so I'm clear, was the VIP treatment, was
12 that a condition of your parole?

13 A. No, I went there voluntarily.

14 MS. DEPOIAN: I'm sorry?

15 THE INTERPRETER: I went there voluntarily.

16 Q. If you were rearrested for possessing drugs while
17 you were on parole, what would happen?

18 MS. KUAN: Objection.

19 A. They would send me to jail.

20 Q. If you were rearrested for selling drugs, what
21 would happen?

22 A. To jail.

23 Q. Had you ever violated the terms of your parole?

24 A. Yes.

25 Q. When?

E. LOPEZ

1 A. When this incident happened, I wasn't reporting
2 to the parole.

3 Q. How long had you not been reporting before this
4 incident happened?

5 A. Two or three months. I'm not sure. Something
6 like that.

7 Q. Can you be sent back to jail for not reporting?

8 MS. KUAN: Objection.

9 A. Yes.

10 Q. Other than not reporting, had you violated the
11 terms of your parole?

12 MS. KUAN: Objection.

13 A. No.

14 Q. Well, you were using heroin in December 2015,
15 right?

16 A. Yes.

17 Q. So was that a violation of your parole?

18 MS. KUAN: Objection.

19 A. I already had a violation.

20 Q. What was that violation?

21 A. That I wasn't reporting. And the police had
22 contact.

23 Q. Okay, but I'm asking you some something
24 different.

25 Were you allowed to use drugs while you were on

ORIGINAL

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 ELIEZER LOPEZ and SUHAIL LAUREANO,

5 PLAINTIFFS,

6 -against-

7 Case No.:
8 17-CV-00181 (LAP)

9 CITY OF NEW YORK, LUIS LINEARES, LUIS ANGELES, and JOHN
10 DOES # 1-3,

11 DEFENDANTS.
12 -----X

13 DATE: March 20, 2018

14 TIME: 10:36 A.M.

15 CONTINUED VIDEOTAPED DEPOSITION of the
16 Plaintiff, ELIEZER LOPEZ, taken by the Defendants, pursuant
17 to an Order and to the Federal Rules of Civil Procedure,
18 held at 1160 Burke Avenue, Apartment 6F, Bronx, New York
19 10451, before Renate E. Moy, a Notary Public of the State
20 of New York.
21
22
23
24
25

1 A P P E A R A N C E S:

2

3 ROMANO & KUAN, PLLC
4 Attorneys for the Plaintiffs
5 ELIEZER LOPEZ and SUHAIL LAUREANO
6 600 Fifth Avenue, 10th Floor
7 New York, New York 10020
8 BY: JULIA P. KUAN, ESQ.

7

ZACHARY W. CARTER, ESQ.

8 CORPORATION COUNSEL

NEW YORK CITY LAW DEPARTMENT

9 Attorneys for the Defendants
10 CITY OF NEW YORK, LUIS LINEARES,
11 LUIS ANGELES and JOHN DOES # 1-3
12 100 Church Street
13 New York, New York 10007
14 BY: CAROLYN K. DEPOIAN, ESQ.
15 RACHEL SELIGMAN, ESQ.
16 File #: 2016-04750
17 Control #: 169178

15 ALSO PRESENT:

16 Michael Bennett (Videographer)
17 Hudson Court Reporters

18 Juan Teran (Spanish Interpreter)
19 Accurate Communications

20

21

* * *

22

23

24

25

E. LOPEZ

1 to not be talked out loud, or so loud.

2 MS. KUAN: To talk softer.

3 Q. For me to talk softer?

4 A. Yes, because they do understand English so that
5 topic I prefer not to be outspoken so -- out loud.

6 Q. I can talk quieter, as long as the Court Reporter
7 can hear us, if she can just let us know if she can't hear
8 me, I will be happy to lower my voice.

9 A. Okay.

10 Q. So I think my question was what caused you to
11 lose weight.

12 A. Heroin and cocaine.

13 Q. Both of the drugs caused you to lose the weight?

14 A. Uh-huh.

15 Q. Just to be clear, you can't estimate at all how
16 much weight you lost?

17 A. No, no, I cannot tell you exactly how much I
18 lost.

19 Q. You testified at your last deposition that you
20 attended a violence program; is that right?

21 A. Yes.

22 Q. Why did you attend this violence program?

23 A. Because when I was in jail I had to take that
24 program and because I didn't do so when I was outside the
25 parole sent me to do that program.

E. LOPEZ

1 Q. Why did you have to take the program while you
2 were in jail?

3 A. Because my case involved violence of what I was
4 accused of.

5 Q. When you say you had to take it in jail and you
6 didn't, can you explain that to me.

7 A. Explain that, how is that -- how that goes?

8 Q. Was it something that you were supposed to take
9 while you were in jail?

10 A. Yes.

11 Q. Did you take it when you were in jail?

12 A. I did take it but I didn't finish it.

13 Q. Why didn't you finish it?

14 A. Because I wanted to complete fully my sentence
15 and not get released before. I did max time.

16 Q. I see, so you were released before you could
17 finish the program; is that right?

18 A. Yes, because sometimes when they send you to a
19 place, sometimes the programs are fully registered so you
20 -- sometimes you have to wait until there is a seat anyhow.

21 Q. Prior to December 7th, did you have issues
22 controlling your temper?

23 MS. KUAN: Objection.

24 Q. You can --

25 A. Did I have control? Yes, I was able to control

E. LOPEZ

1 because I'm not aggressive. It's just that the cases that
2 are -- they said against me were about violence, but it's
3 not that I was aggressive.

4 Q. When you say the cases against you were about
5 violence, what do you mean by that?

6 THE INTERPRETER: The Interpreter just needs
7 to clarify one word.

8 MS. DEPOIAN: Okay.

9 A. No, nothing, I just had burglary and assault.

10 Q. Were those violent crimes?

11 MS. KUAN: Objection.

12 A. They classify it as a violent case.

13 Q. Why?

14 MS. KUAN: Objection. Objection.

15 A. I don't know, but they classify it as a violent
16 case. I don't know why they classify it as a violent case.

17 Q. Do you classify it as a violent crime?

18 MS. KUAN: Objection.

19 A. Well, no.

20 Q. So were the people that accused you of those
21 crimes lying about what happened?

22 MS. KUAN: Objection.

23 A. Well, if you call violent entering an empty
24 house, I don't think that is violent but many of the cases,
25 that is how they classified it, but that is the way they

E. LOPEZ

1 did it.

2 Q. Was entering an empty house the only thing that
3 you were accused of?

4 A. No, I also have another one where there was
5 people in, but I don't know, they classify it as violent.

6 Q. Did you use any force against those people?

7 A. No.

8 Q. What is a violence program?

9 MS. KUAN: Objection.

10 A. I don't know, supposedly you speak, they tell you
11 how to control your emotions but I don't know in different
12 places they do it in different ways so I don't know.

13 Q. When you were released from prison you attended a
14 violence program, right?

15 A. Yes.

16 Q. How many times did you go to that program?

17 A. I think I was only like for a month, a month and
18 a couple of days, no more than a month.

19 Q. Was it a condition of your parole that you had to
20 go?

21 A. Yes.

22 Q. Did you begin attending right after you were
23 released?

24 A. Yes.

25 Q. So why did you stop going?

E. LOPEZ

1 a release for the records from Mr. Lopez'
2 treatment at Paladia Treatment Center. We will
3 put our request in writing.

4 MS. KUAN: Please do.

5 Q. So you also attended treatment at VIP; is that
6 right?

7 A. Yes.

8 Q. Was that a condition of your parole?

9 A. I went voluntarily.

10 Q. So it was not a condition of your parole?

11 A. No.

12 Q. Excuse me, in 2015, was a warrant ever issued for
13 your arrest?

14 A. Yes, for the parole violation.

15 Q. When was the warrant issued?

16 MS. KUAN: Objection.

17 A. I don't know exactly when was that, but I know
18 that there was the warrant for parole violation and I think
19 that one from the court.

20 Q. So it was more than one warrant?

21 A. Yes.

22 Q. When you say there was one from court, what do
23 you mean by that?

24 A. Because I have a police contact. I had contact
25 with the police and I wasn't supposed to do so.

E. LOPEZ

1 MS. KUAN: When?

2 MS. DEPOIAN: That day.

3 A. I went with Gordo and we bought heroin and
4 cocaine.

5 Q. How much heroin did you buy?

6 A. A bag of 10 (sic) and also a bag of 10 for
7 cocaine.

8 Q. So you bought one \$10 bag of heroin and one \$10
9 bag of cocaine?

10 A. Yes.

11 Q. And how much or --

12 MS. DEPOIAN: I'm sorry. Withdrawn.

13 Q. Did Gordo also buy drugs?

14 A. That day he was the one who bought them. I was
15 with him but he was the one who bought them.

16 Q. What drugs did Gordo buy?

17 A. Heroin and cocaine.

18 Q. How much, what quantity of heroin did Gordo buy?

19 A. A bag of 10 of heroin and a bag of 10 of cocaine.

20 Q. So in total, between the two of you, were there,
21 was there one bag of heroin and one bag of cocaine that was
22 purchased?

23 A. Yes, that was all there was. I was with him but
24 that is the only thing that was bought.

25 Q. Did you try to buy more than that?

E. LOPEZ

1 Q. Was it just one bottle of water or something
2 else?

3 A. Yes, a \$0.50 bottle.

4 Q. Okay, can you describe how you mixed the drugs
5 with the water.

6 MS. KUAN: Objection.

7 A. Well, you put both in a cap, then you suck the
8 water, the amount of water you need with the syringe, then
9 you expose out water.

10 MS. SELIGMAN: Expel?

11 THE INTERPRETER: No, expose.

12 MS. SELIGMAN: Okay.

13 Q. -- to mix it up and then you heat it up and then
14 that mix you suck it up with the needle. Are you
15 translating properly because I see that you are stuttering
16 too much and I'm wondering if you are translating properly.

17 MS. DEPOIAN: I think we got it. Do you
18 agree?

19 MS. KUAN: Do you want to try again?

20 MS. DEPOIAN: Yes, it's okay.

21 A. No, it's fine, but I see you stuttering a lot so
22 I don't know if you are having difficulty to state the
23 words as they are.

24 Q. Has the translator said anything wrong?

25 MS. KUAN: Objection. That you are aware

E. LOPEZ

1 of.

2 A. No, but I see you stuttering a lot and I think
3 that the words are not coming out in order to express them
4 the right way they should be translated.

5 MS. DEPOIAN: Okay, so I'm just going to say
6 we are just going to go on because we have a
7 video of this and if there is any issues
8 certainly we can deal with that later. Is that
9 acceptable to you?

10 MS. KUAN: That is fine.

11 Q. So after you left the pharmacy where you bought
12 the water, where did you go next?

13 THE INTERPRETER: I'm sorry, can you repeat
14 the question.

15 MS. DEPOIAN: Sure.

16 Q. After you left the pharmacy where you bought the
17 water, where did you go next?

18 A. No, the water was bought in the grocery store,
19 not in the pharmacy.

20 Q. I'm sorry, so after you bought the water, where
21 did you go next?

22 A. To a park.

23 Q. What park was that?

24 A. The park that goes across the Crotona Park, Park
25 North.

E. LOPEZ

1 Q. Since you filed this lawsuit, has your wife ever
2 tried to get the phone back?

3 MS. KUAN: Objection.

4 A. No, only at first, because if you are my partner,
5 then you are going to try to get back my belongings but
6 that was just at the beginning but we don't know if they
7 disappear or what.

8 Q. So how long --

9 MS DEPOIAN: Withdrawn.

10 Q. So after you took the pictures of yourself, what
11 happened next after that?

12 A. Gordo is preparing the substance. I don't know
13 how long it -- how long time elapsed after that. Then we
14 see people coming down the stairs running, then I tell
15 Gordo Gordo, the people from the projects are coming and
16 then I started running.

17 Q. When Gordo was preparing the substances, what was
18 he doing?

19 A. How is that what was he was doing? He was
20 preparing it. I don't understand the question.

21 Q. How does he prepare it?

22 MS. KUAN: You mean how did he prepare it?

23 MS. DEPOIAN: Yes.

24 Q. As I told you at the beginning, you put both
25 things together in a cap.

E. LOPEZ

1 when you first saw them; is that right?

2 A. Not so close, but yes.

3 Q. What were the two men, what were their race,
4 either of their races?

5 A. Well, I wouldn't be able to tell you exactly what
6 their races were. I just saw at that point that two people
7 coming down the stones running and at that point I tell
8 Gordo and then I got running. I told Gordo the people from
9 the projects are coming and I then I got running.

10 Q. Were either of the two men African-American?

11 A. I don't know. I don't know. As I told you, I
12 see two people coming down the stones running and I tell
13 that to Gordo, Gordo, the people from the projects are
14 coming and then I got running.

15 Q. So you don't know if they were African-American?

16 A. No, at that moment, no.

17 Q. Did you know if they were white?

18 A. No, at that point I wasn't able to identify
19 anybody by their racy. I just see two people coming down,
20 running down the stones and I tell that to Gordo, Gordo,
21 the people from the projects are coming, let's get running
22 and then we got running.

23 Q. So if you couldn't see these two people, why did
24 you think they were people --

25 MS. KUAN: Objection.

E. LOPEZ

1 Q. -- from the projects?

2 A. Because the people from the projects didn't want
3 anybody to be doing substances and we would go down there
4 to do substances. We would go to do substances in certain
5 areas, so they would be the only ones who could be coming
6 because they were supposedly saying that we were heating up
7 that area.

8 Q. Were the two people saying anything to you when
9 they approached you?

10 A. No.

11 Q. Were they saying anything at all?

12 A. No.

13 Q. Prior to this day, December 7th, did you ever
14 have any issues with people from the projects?

15 A. No, but -- no.

16 Q. Had you ever spoken to them before?

17 A. Yes, because they didn't like us getting in
18 there, because they -- that would get the area hot, that
19 would make the area hot.

20 Q. Who told you that?

21 A. How is that, that who tells you that? They are
22 selling whatever they are selling there or they are hanging
23 out there so they don't like you going down there to do
24 substances because that gets the area hot and that is their
25 place where they are hanging around.

E. LOPEZ

1 Q. So you don't know if you could have run faster or
2 not?

3 MS. KUAN: Objection.

4 A. I run as fast as my feet would allow me.

5 Q. So you were running as fast as you physically
6 could; is that right?

7 MS. KUAN: Objection.

8 A. Yes.

9 Q. Were you aware if anyone was running after you?

10 A. Well, while I'm running I'm not seeing anything
11 else, but once I got across the road, that is when I
12 noticed that somebody was after -- somebody was behind me.

13 Q. What road was that that you are referring to?

14 A. That is the Crotona Park North road.

15 MS. SELIGMAN: Just one second. Okay?

16 (Whereupon, an off-the-record discussion was
17 held.)

18 Q. When you first noticed that someone was behind
19 you, how did you notice that? Did you see them? Did you
20 hear them or something else?

21 A. Well, as I'm running and I'm reaching the fence
22 or I don't know how to call it, the handrail, that is when
23 I feel somebody close to me and anyhow, I couldn't keep
24 running because I have reached the handrail and that is
25 when a person grabbed hold of me.

E. LOPEZ

1 the record. The time is 1:36 P.M.

2 Q. Mr. Lopez, are you feeling okay to continue?

3 A. Yes.

4 Q. Will you tell me if you need to stop at any time?

5 A. Yes.

6 Q. So before we took a break, I just wanted to make
7 sure I got an accurate answer to my last question so I'm
8 just going to ask you again.

9 A. Okay.

10 Q. Did you stop running because someone physically
11 stopped you or for some other reason?

12 A. When I reached the fence I didn't have anywhere
13 to run.

14 Q. Okay, so I still don't think that is an answer to
15 my question. Did you stop running because somebody
16 physically stopped you or for another reason?

17 A. I stopped running because I reached that fence
18 and there was no place to keeping running.

19 Q. So you did not stop running because someone
20 physically stopped you, right?

21 MS. KUAN: Objection.

22 A. No, just because the fence was right there.

23 Q. And when you were running from the rocks to the
24 fence, did you run in a straight line?

25 MS. KUAN: Objection.

E. LOPEZ

1 Q. And you don't know why you stopped, right?

2 MS. KUAN: Objection.

3 A. Because the fence was right there. There was no
4 other place to run to. I stopped because the fence was
5 right next to me.

6 Q. What happened after you stopped?

7 A. When I stopped the person who was running after
8 me grabs me and he tells me why are you running and I tell
9 him, no -- who are you, no, no, no, he tells me first in
10 English and I tell him I don't speak English, I speak
11 Spanish and then he tells me -- then he tells me in Spanish
12 why are you running and I tell him I don't know who you are
13 and it's then when he takes out his ID, his badge, and he
14 tells me this is what happens when you run from the police
15 and it's then that he pushes me and I fell backwards over
16 my head.

17 Q. What did the fence look like?

18 A. How is that?

19 Q. What color was it?

20 A. That is like a green.

21 Q. And how high was the fence?

22 A. I think that it would be up to my waist, I think
23 so, if I'm not mistaken.

24 Q. What was it made of?

25 A. I don't know. What is that? Metal or whatever.

E. LOPEZ

1 back.

2 Q. What part of your body were the vines or plants
3 touching you?

4 A. The same part where the fence is because in that
5 part there are branches. I don't know whether it was the
6 branches that were touching me because when I got to the
7 hospital all my fingers were cut.

8 Q. I'm just asking you what you remember. Do you
9 remember where they were touching you?

10 A. No.

11 Q. Are there --

12 MS. KUAN: Eliezer, try to answer the
13 question. Okay? If you go off on a tangent it's
14 just going to take longer. Okay? Listen to the
15 question and answer the question. Okay?

16 THE WITNESS: Yes.

17 Q. Were there branches and vines on the fence?

18 A. I don't know.

19 Q. Okay, so what happens, excuse me, what happened
20 after the officer shook you?

21 A. Well, he was shaking me, then he lifts me up a
22 bit and I am trying for him not to push me and it's then
23 that he shakes me harder and then he sends me over the
24 fence and I fell backwards.

25 Q. When you say he lifts you up a bit, how far did

E. LOPEZ

1 he lift you up?

2 A. At first I wouldn't be able to tell you. He
3 lifted me up a bit and the first time he didn't throw me
4 back but then he applied more force and then he throws me
5 completely backwards.

6 Q. How many times did he lift you up?

7 MS. KUAN: Objection.

8 A. At first he lifted me up a little, two times.

9 Q. While he was shaking you, did he also lift you
10 up, at the same time?

11 A. Yes.

12 Q. So he lifted you up two times you said, right?

13 A. That is what -- yes.

14 Q. So the first time he lifted you up, did both your
15 feet come off the ground?

16 MS. KUAN: Objection.

17 A. The first time, I don't think he fully lift (sic)
18 me up. The second time, it was when my feet completely
19 left the ground.

20 Q. So the first time he lifted you up, did one of
21 your feet come off the ground?

22 A. I don't know.

23 Q. So the second time he lifted you up, did both
24 your feet come off the ground?

25 A. Yes.

E. LOPEZ

1 Q. How far off the ground?

2 A. I don't know.

3 Q. Did he lift you up inches off the ground?

4 MS. KUAN: Objection.

5 A. I don't know, but he lift me up, my feet left the
6 ground.

7 Q. And both of your feet left the ground?

8 MS. KUAN: Objection.

9 A. Yes.

10 Q. So after both your feet were off the ground, did
11 there come a time when they ever touched the ground under
12 you again?

13 MS. KUAN: Objection.

14 A. When my feet left the ground?

15 Q. Yes, when was that?

16 A. No.

17 Q. When was that?

18 MS. KUAN: Objection.

19 A. So was the answer yes or no? I'm sorry.

20 MS. KUAN: He didn't answer. He was asking
21 the question.

22 Q. So I will just ask it again, because I didn't
23 understand.

24 A. Okay.

25 Q. When your feet were both off the ground, did the

E. LOPEZ

1 Q. What about his tone of voice leads you to believe
2 that?

3 A. The accent from people from the Caribbean is
4 different from people from other places like Mexico and
5 other places with the people from Puerto Rico and Santo
6 Domingo where they speak English differently from other
7 people.

8 Q. When you woke up, where were you?

9 A. On the ground.

10 Q. Were you handcuffed?

11 A. Yes.

12 Q. How were you handcuffed?

13 A. My hands.

14 Q. In the front or the back?

15 A. At first they were behind and then they moved it
16 in front because I told them that my arms were broken.

17 Q. What is the first thing you remember when you
18 woke up?

19 A. When I woke up I was sitting down on the ground
20 and he was trying to put me back on my feet and it's then
21 that he tries (sic) me to bring me back to my feet from my
22 coat and when he was doing so I regained consciousness
23 completely and I tell him that I felt like my arms were
24 broken and my feet.

25 Q. When you say he, who is that?

E. LOPEZ

1 A. To the officer that handcuffed me, that was with
2 me there.

3 Q. Was that the same officer that pushed you or a
4 different officer?

5 A. Same.

6 Q. Was he say anything to you?

7 A. Yes, he was trying to put me back on my feet and
8 I told him that I wasn't able to, that my arms and feet
9 were broken, to call an ambulance.

10 Q. Was he saying anything to you?

11 A. Yes.

12 Q. What?

13 A. Yes, to get on my feet and telling me a bunch of
14 stuff and all mean and telling me to get on my feet.

15 Q. Besides get on your feet, was he saying anything
16 else?

17 A. He was talking nasty to me, yelling me (sic),
18 cursing me as if I was pretending not to be able to stand
19 up.

20 Q. Is the first memory you have of waking up of
21 being seated on the ground?

22 A. Yes.

23 Q. And when you say sitting, what, were you sitting,
24 leaning on something or was somebody holding you up or what
25 do you mean?

E. LOPEZ

1 A. He was holding me from my coat, because he --
2 when he was doing so -- when he was doing so I had my neck
3 broken and I thought that my arms and feet were also
4 broken.

5 Q. So he was holding you in a sitting position?

6 A. Yes.

7 Q. And when he was holding you up, were you already
8 in handcuffs?

9 A. Yes.

10 Q. Did you tell him that you thought something was
11 wrong with your arms and legs?

12 A. Yes.

13 Q. What type of surface were you on? Was it cement,
14 grass, something else?

15 A. Around there there was cement and grass as well.

16 Q. What were you on?

17 A. On the cement, on the sidewalk, because there is
18 grass in between the gaps there, so that has cement and
19 grass.

20 Q. Did you fall onto the sidewalk or the grass?

21 A. When he pushed me I fell over my head on cement.

22 Q. And you were on the cement when you first woke
23 up; is that right?

24 A. When I woke up I was not mindful of what I was on
25 top of. I was thinking about my body which I was not

E. LOPEZ

1 feeling. I was not thinking about what I was on top of.

2 Q. Just to be clear, when you woke up you were not
3 laying down; is that right?

4 MS. KUAN: Objection.

5 A. No, I wasn't laying down, no.

6 Q. And when you woke up you were able to speak,
7 right?

8 A. Yes.

9 Q. And you said you were handcuffed behind your back
10 and there came a time when you were handcuffed in your
11 front; is that right?

12 A. Yes.

13 Q. Was that, did you lose consciousness in between
14 that time or were you awake when they moved your handcuffs?

15 A. They changed my handcuffing (sic) when I was
16 awake.

17 Q. Who changed your handcuffs?

18 A. The policeman.

19 Q. Which officer, the same officer or a different
20 officer?

21 A. The same.

22 Q. And why did he do that?

23 A. Because I was telling him that my arms were
24 broken.

25 Q. And when you were handcuffed in the front, were

E. LOPEZ

1 end, have you ever used that name?

2 MS. DEPOIAN: E-L-I-Z-I-E-L.

3 A. Never, my name is Eliezer.

4 Q. Has anyone ever had an order of protection
5 against you?

6 MS. KUAN: Objection.

7 A. Yes.

8 Q. Who?

9 A. Three people.

10 Q. Who were those people?

11 THE INTERPRETER: Just give me one second.

12 A. Moises Jorenz (phonetic), Jonaris (phonetic).

13 THE INTERPRETER: At first he said Ramos and
14 then he said Rios.

15 A. Ramos, and the other one, I don't know his or her
16 name.

17 Q. Okay, so who is Moises Jorenz?

18 A. How is who is Moises Jorenz? He is a person that
19 I got a case, that somebody that I fight a case with the
20 police.

21 Q. Why was there an order of protection against you?

22 MS. KUAN: Objection.

23 A. Because he alleged that I entered his home and I
24 stole.

25 Q. Was he in a wheelchair?

E. LOPEZ

1 A. Yes.

2 Q. Was he your friend?

3 A. Yes.

4 Q. And did you do that, did you steal from him?

5 A. I already did my sentence because of that.

6 Q. So is that a yes?

7 A. I completed my sentence. That is the only thing
8 I can tell you about that.

9 Q. So your answer is yes, you did that, right?

10 A. I never said yes. I said that I completed my
11 sentence.

12 Q. Were you arrested for assaulting him?

13 A. Well, if I did my sentence is because I was
14 accused of that.

15 Q. Were you accused of assaulting him?

16 A. Yes.

17 Q. Were you convicted of that crime?

18 A. Yes.

19 Q. Okay, and then the next person, I don't know how
20 to pronounce the Ramos --

21 A. Jonaris.

22 Q. Jonaris Ramos, what was the order of protection
23 against you for in that case?

24 A. For a burglary.

25 Q. And then, who is Michael Sanchez?

E. LOPEZ

1 A. I don't know.

2 Q. Do you know who Juan Sotomayor (phonetic) is?

3 A. No, I don't know whether that would be the third
4 person, because there are only three people that I have had
5 orders of protections with against me. I don't know if
6 that would be the third person.

7 Q. Who is Roberto Goicoechea? I will spell it,
8 G-O-I-C-O-E-C-H-E-A (sic).

9 A. I don't know. I already did my sentences for the
10 three cases I mentioned. Oh, wait, wait, yes, there was
11 another order of protection for assault.

12 Q. Okay, aside from the one we already talked about?

13 A. Yes.

14 Q. Was that, why was that order of protection
15 issued?

16 MS. KUAN: Objection.

17 A. Because -- because I fought with the guy inside a
18 pharmacy.

19 Q. Was that someone who worked at the pharmacy?

20 A. Yes.

21 Q. Was the other person also arrested?

22 A. No.

23 Q. Were you convicted of that crime?

24 A. Yes.

25 Q. What were you fighting about?

E. LOPEZ

1 A. I entered there and I bought something and it
2 seems that the cashier didn't register what I bought and so
3 when I was passing through the machine it rang and so he
4 grabbed me and then we started fighting because he grabbed
5 me and when I was detained I had the store bag on me which
6 showed that I had paid.

7 Q. So were you, so were you grabbed during that
8 incident?

9 A. Yes.

10 Q. Have you ever taken methadone any other way
11 besides drinking it?

12 A. In what way can that be taken? As far as I know
13 it can only be drank. I don't understand your question.

14 Q. Is methadone ever sold in a pill form?

15 A. No.

16 Q. Did you ever make any complaint other than this
17 lawsuit about this incident?

18 MS. KUAN: Objection.

19 A. How is that? What are you talking about?

20 Q. Did you ever tell anyone at the police department
21 about what happened to you?

22 A. How is that?

23 Q. Well, did you ever file a complaint about this
24 incident with the police department?

25 A. In writing? I don't understand the question.